

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/985,920  
Docket No. A8023

### REMARKS

Claims 1-28 are all the claims pending in the application. As an initial matter, the independent claims 1, 14, 27 and 28 have been amended to recite that either one of the buffer cells or the buffer cell contains at least one optical fiber. These amendments are fully supported by the original specification at least by the non-limiting embodiments discussed at page 4.

### Formal Matters

Claims 1, 11 and 24 stand objected to as containing informalities. Applicant has amended the claims to eliminate all informalities. Therefore, the Examiner is respectfully requested to withdraw the objection from the claims.

### Rejections Under 35 U.S.C. § 102

Claims 1, 4, 10, 12-14, 17, 22 and 25-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Story et al., U.S. Patent No. 5,042,904 ("Story"). Claims 1, 14, 27 and 28 are all independent claims. Applicant respectfully request the Examiner to withdraw this rejection for at least the reasons stated below.

With respect to claim 1, Applicants respectfully request the Examiner to withdraw these rejections at least because Story does not teach or suggest the claimed fiber optical cable having a core element centrally disposed within the jacket, and a plurality of flexible partitions extending from the core element to said interior surface of said jacket that form at least one buffer cell, in which the buffer cells contains at least one optical fiber.

Story discloses a communications cable in which multiple optical fibers 9 (Fig. 1) or an inner axial conductor 21 (Fig. 2) are centrally disposed within the core 10 of a jacket 12, 12'.

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The jacket 12, 12' is formed having multiple longitudinal cavities 13. These cavities provide enhanced crush and impact resistance, as well as cut-through resistance, to the cables so that an applied load is dissipated rather than transferred to the optical fibers. Story at 3:14-20 & 5:60-6:7.

These cavities, however, do not *extend from said core element to said interior surface of said jacket*. Instead, the cavities are merely portions of the jacket 12, 12' that are designed to prevent loads from being transmitted to the core of the jacket.

In contrast, the partitions of the claimed invention extend from the core member to the inner surface of the jacket. Therefore, when a crushing force is applied to the cable, the partitions are rotated and deformed, so that the partitions do not collapse or break. Consequently, the structure of the claimed buffer cells protects the optical fiber contained within the buffer call.

Therefore, Applicants respectfully request the Examiner to withdraw the rejection of claim 1 at least for the reasons discussed above. In addition, Applicants respectfully request the Examiner to withdraw the rejection of independent claims 14, 27, and 28, for the reasons discussed above with respect to claim 1. Furthermore, Applicants respectfully request the Examiner to withdraw the rejection of claims 4, 10, 12, 13, 17, 22, 25, and 26 at least because of their dependency from one of claims 1 and 14.

**Rejections Under 35 U.S.C. §103**

Claims 2, 5, 15 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Story in view of Rutterman et al., U.S. Patent No. 6,449,412 ("Rutterman").

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Claims 2 and 5 depend from independent claim 1, while claims 5 and 18 depend from independent claim 14. Story is deficient with respect to claims 1 and 14 for at least the reasons stated above. Therefore, the Examiner must rely on Rutterman to compensate for the foregoing deficiencies.

Rutterman is directed to a fiber optic ribbon interconnect cable. Rutterman, however, fails to disclose the above identified recitations with respect to independent claims 1 and 14. Therefore, Applicant submits that claims 2, 5, 15 and 18 are patentable at least by virtue of their dependency. The Examiner is therefore respectfully requested to withdraw the § 103(a) rejection.

Claims 3, 6-9, 11, 16, 19-21, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Story in view of Coleman, U.S. Patent No. 6,052,502 ("Coleman").

Claims 3, 6-9 and 11 ultimately depend from independent claim 1, while claims 16, 19-21, 23 and 24 ultimately depend from independent claim 14. Story is deficient with respect to claims 1 and 14 for at least the reasons stated above. Therefore, the Examiner must rely on Coleman to compensate for the foregoing deficiencies.

Coleman is directed to a ribbon optical cable having improved strength. Coleman, however, fails to disclose the above identified recitations with respect to independent claims 1 and 14. Therefore, Applicant submits that claims 3, 6-9, 11, 16, 19-21, 23 and 24 are patentable at least by virtue of their dependency. The Examiner is therefore respectfully requested to withdraw the § 103(a) rejection.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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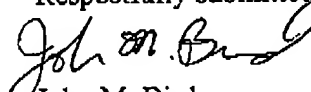
Date: September 8, 2003

**CERTIFICATION OF FACSIMILE TRANSMISSION**

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Krystyna Suchecki at the Patent and Trademark Office on September 8, 2003 at (703) 872-9319.

Respectfully submitted,

  
John M. Bird